

Appln. No.: 09/630,534
Amendment Dated August 10, 2004
Reply to Office Action of May 21, 2004

MATP-598US

Remarks/Arguments:

Claims 1 - 17 are pending in the application. Claims 16 and 17 are newly added. Basis for these claims may be found in the specification at page 11, lines 10-14. Claims 1-15 are rejected as being obvious in view of Boyer et al. and Lemmons et al. this ground for rejection is respectfully traversed. In particular, neither Boyer et al., Lemmons et al. nor their combination disclose or suggest, "calculating a new time of transmission for display by adding the selected incremental time index to one of the times of transmission currently displayed; and ... displaying the program guide information at the new time of transmission," as required by claim 1.

In the Office Action, it is admitted that Boyer et al. do not disclose or suggest "calculating a new time of transmission for display by adding the selected incremental time index to one of the times of transmission currently displayed." Lemmons et al. was cited as disclosing this feature. Referring to Lemmons et al., the Office Action asserts that "[n]ecessarily, a new time of transmission for display is calculated by adding the selected incremental time index (e.g. adding 24 hours if same part of the day for next day is selected) to one of the times of transmission currently displayed." Applicant respectfully disagrees with this assertion for two reasons. First, There is no need to "add" any time as all that is being done is moving the cursor to a different day on the calendar and extracting data for that day. Indeed, Lemmons et al. disclose that the different days of the calendar display of Fig. 8 are selected using a cursor and navigation keys (see col. 16, lines 11-15). Lemmons et al. do not even use the word "sum" in their application use the word "add" only to refer to adding channels to a displayed program list. Thus, the "adding" step is neither necessary nor is it performed by Lemmons et al. Second, Lemmons et al. do not disclose or suggest displaying any program guide information in Fig. 8 or in the text describing it. The display in Fig. 8 includes only calendar entries. It does not include any program guide information as required by claim 1.

Furthermore, the combination of Boyer et al. and Lemmons et al. proposed in the Office Action is contrary to the combination that the skilled person would make having no knowledge of the subject invention. Instead of combining these references as proposed by the examiner, the skilled person would substitute the calendar selection feature of Lemmons et al. for the similar calendar selection feature of Boyer (see item 232 of Fig. 16). This, however, would not result in an "adding" step as required by claim 1 but only a selection step. There is no

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disclosure in either Boyer et al. nor Lemmons et al. of any "adding" step, as required by claim 1. The modification of Lemmons et al. to include the "adding" step is impermissibly based on Applicant's disclosure.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. (emphasis added)*¹

The adding step of the subject invention provides an advantage in speed over the methods described by Boyer et al. and Lemmons et al. In both Boyer et al. and Lemmons et al., the viewer is limited in the ways that a new viewing time may be selected and displayed. In Boyer et al., a viewer who wants to see the same time frame in a later day must select the calendar 232 and then select the time of day using the time of day selection field 230. This requires two steps. In Lemmons et al. even more steps are required as a viewer must switch from a mode in which program information is displayed (e.g. Fig. 3) to the day to view screen shown in Fig. 8, by selecting the quickmenu from Fig. 3, selecting the "Day to View" from the quickmenu, navigating among the days in the calendar using the navigation keys and selecting a day. (See col. 16, lines 8-27). After selecting the day, the viewer must still select the day part. Lemmons et al. do not disclose or suggest that the day part being viewed, for example on the screen in Fig. 3, is carried over to the Day to View menu. Only after all of these steps are completed will the viewer be presented with the programs at the same time on the next day. Using the subject Invention, on the other hand, the viewer performs a single step: selecting the bar 53, shown in Fig. 3. The programs for the next day at the same time are instantly displayed.

Because neither Boyer et al., Lemmons et al. nor their combination disclose or suggest the "adding" step of claim 1, claim 1 is not subject to rejection under 35 U.S.C. § 103(a) in view of Boyer et al. and Lemmons et al. Claim 8 includes limitations similar to claim 1 and is not subject to rejection under 35 U.S.C. § 103(a) in view of Boyer et al. and Lemmons et al. for

¹ MPEP §706.02(j)

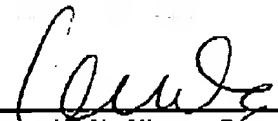
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at least the same reasons as claim 1. Claims 2-7 depend from claim 1 and claims 9-15 depend from claim 8. Accordingly, these claims are not subject to rejection under 35 U.S.C. § 103(a) in view of Boyer et al. and Lemmons et al. for at least the same reasons as their base claims.

In view of the foregoing amendments and remarks, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1-15.

Respectfully submitted,



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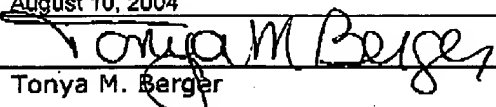
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